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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Western Sahara

Working paper prepared by the Secretariat

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I. Report and good offices of the Secretary-General

1. Pursuant to General Assembly resolution 64/101, the Secretary-General submitted to the Assembly at its sixty-fifth session a report on the question of Western Sahara (A/65/306). The report covered the period from 1 July 2009 to 30 June 2010 and reviewed the activities carried out by the Secretary-General in the exercise of his good offices.

2. Also during the period under review, pursuant to Security Council resolution 1871 (2009), the Secretary-General submitted a report to the Security Council on the situation concerning Western Sahara (S/2010/175).

3. In that resolution, the Security Council, having considered the report of the Secretary-General (S/2009/200), among other things, welcomed the parties' agreement with the Personal Envoy's suggestion to hold small, informal talks in preparation for a fifth round of negotiations and called upon the parties to continue to show political will and work in an atmosphere propitious for dialogue in order to enter into a more intensive and substantive phase of negotiations, thus ensuring the implementation of the relevant resolutions. The Council decided to extend the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO) until 30 April 2010.

4. Pursuant to Security Council resolution 1871 (2009), the Secretary-General submitted a report dated 6 April 2010 to the Council (S/2010/175). In that report, the Secretary-General informed the Council that in March 2009, his Personal Envoy had begun consultations in preparation for a fifth round of negotiations. Following the consultations, the Personal Envoy travelled to the region for a second time, from 22 June to 1 July, to clarify the purpose and structure of the informal meetings and to confirm the readiness of the parties and neighbouring States to attend them. During his trip, the Personal Envoy met with the President of Algeria, the Secretary-General of the Frente Polisario, the Prime Minister and the Minister for Foreign Affairs of Mauritania, and the Minister for Foreign Affairs of Morocco, as well as with members of their respective teams. All interlocutors reaffirmed their commitment to continue working with the United Nations to find a solution. An agreement was reached on a first informal meeting, held in Dürnstein, Austria, on 9 and 10 August. The parties engaged with one another in a respectful manner and in a spirit of extensive give and take, discussing confidence-building measures and human rights issues as a prelude to a later examination of the core issues of their dispute. They concurred that a long-standing agreement in principle to explore the road-building option in the context of an expansion of family visits between Western Sahara and the refugee camps should be implemented, and they agreed to consider in a positive spirit confidence-building measures.

5. In September 2009, in the course of the sixty-fourth session of the General Assembly, the Secretary-General met separately with the President of Algeria and the Minister for Foreign Affairs of Morocco. Both expressed their continued commitment to the negotiating process and their support for the efforts of the Personal Envoy, who proposed that a second informal meeting be held in November or December 2009. However, a series of mutual accusations by both parties began in October, making it increasingly impossible to meet on the proposed dates.

6. By January 2010, the climate had improved and the Personal Envoy was able to hold a second informal meeting in Westchester County, New York, on 10 and

11 February. The spokesperson for the Secretary-General issued a statement on 2 February, stating that the Secretary-General encouraged the parties to make further progress and urged focused and productive discussions. Most of the exchanges that took place at the February meeting concerned human rights and related issues. Both parties complained of violations. Again, the Frente Polisario called for United Nations monitoring, and again Morocco stated its opposition to such a step.

7. Although the exchanges were frank and respectful, at the end of the meeting both parties agreed with the Personal Envoy's summary that neither party had accepted the proposal of the other as the sole basis of future negotiations. According to the Personal Envoy, the fundamental and, to date, non-negotiable difference between the two parties lies in the issue of self-determination. The Frente Polisario, with the support of Algeria, insists on a referendum with multiple options, including independence, while Morocco insists on a negotiated autonomy regime and a referendum of confirmation with one option.

8. As in Dürnstein, observer delegations from Algeria and Mauritania were present at the meeting but did not participate directly in the talks. Algeria reiterated its support for anything to which the parties might agree and undertook to look into the reasons for the delay in opening telephone communication between Western Sahara and the most remote refugee camp, Dakhla, as foreseen in the confidence-building measures agreed earlier.

9. In March 2010, the Personal Envoy made further visits to the region to solicit the parties' ideas on how to move beyond the impasse. Meanwhile, he had kept the Security Council and the Group of Friends fully informed of his activities through written communications and informal and formal briefings, the latest of which had taken place on 18 February.

10. In his report to the General Assembly (A/65/306), the Secretary-General said that from 21 June to 1 July 2010, the Personal Envoy had visited the capitals of three members of the Group of Friends of Western Sahara (London, Paris and Madrid) to consult on the best means to advance the negotiations towards a mutually acceptable settlement and to solicit their concrete advice and renewed support in that regard. On 16 July, he consulted with senior officials in Washington, D.C.

11. As for maintenance of the ceasefire, the Secretary-General informed the Security Council that MINURSO had observed and recorded 24 new violations by the Royal Moroccan Army, an increase compared with the 11 recorded violations during the previous reporting period. MINURSO observed a total of five new violations by the Frente Polisario military force, a slight decrease compared to the seven recorded during the previous reporting period. Those violations were related mainly to the incursion of military elements, including some equipment, into the buffer strip.

12. With regard to humanitarian activities, the Office of the United Nations High Commissioner for Refugees (UNHCR) and the World Food Programme (WFP) continued to provide 125,000 monthly general feeding rations to Western Saharan refugees, along with school feeding and supplementary feeding for malnourished children under 5 years of age and for pregnant women and nursing mothers. A UNHCR/WFP joint assessment mission carried out in September 2009 noted that considerable progress had been achieved in food distribution and made useful nutritional recommendations for future WFP projects. UNHCR and the European

Commission Humanitarian Office provided funding for the installation of water pipelines in three sectors in Smara camp, benefiting some 34,000 refugees. UNHCR continued to support the education sector through the provision of 53,270 schoolbooks and 180,325 textbooks, and to support humanitarian assistance in other areas. On 8 September 2009, the United Nations High Commissioner for Refugees made a five-day visit to Algeria, Morocco and Western Sahara with a view to assessing the overall condition of the refugees. This was the first time since 1976 that a High Commissioner for Refugees had visited the camps. The visit paved the way for a reorientation of the assistance programme, with special attention to the areas of nutrition, health and education.

13. In his report to the General Assembly (A/65/306), the Secretary-General said that in May and July 2010, UNHCR had held separate meetings in Geneva with representatives of the Frente Polisario and Morocco to evaluate the current programmes and attempt to find a solution to the disagreement that had led to the suspension of the family visit flights, and urged them to agree to the steps necessary to inaugurate family visits by road.

14. With regard to confidence-building measures, UNHCR continued to provide free telephone services for refugees in the camps to contact family members in the Territory. Between April 2009 and March 2010, refugees placed 20,362 calls to relatives in the Territory. Exchanges of family visits continued, thanks to the efforts of UNHCR and MINURSO and generally good cooperation by the parties concerned. During the same period, 37 round-trip family visits were conducted during which 1,137 beneficiaries travelled to the Tindouf camps and 1,188 beneficiaries travelled to cities in the Territory west of the berm. UNHCR continued to take steps, in concert with the parties, to ensure that further visits proceeded as planned. Since the programme began in March 2004, 10,182 people (24 per cent of those registered), mostly women, children and elderly persons, had participated in the family visits. In order to shorten the waiting period for the registered persons, UNHCR was continuing its efforts to implement the road option as an expansion of the family visits.

15. During the period under review, the Secretary-General of the Frente Polisario wrote to the Secretary-General of the United Nations on a number of occasions mainly to express concern about alleged violations of human rights affecting Saharans both in the Territory and within Morocco. The Moroccan authorities and media continued to assert that the Frente Polisario was raising the issue of human rights in an attempt to deviate from the core issues related to the negotiations. On several occasions, the Minister for Foreign Affairs of Morocco also conveyed his concern at the humanitarian situation of Saharans in the Tindouf refugee camps and the responsibility of Algeria and UNHCR in that regard.

16. On mine action, the Secretary-General stressed that the widespread presence of landmines and explosives in the Territory continued to be a cause for serious concern. He informed the Security Council that 15 mine accidents, resulting in 2 fatalities and 23 persons injured, had been reported in 2009. For the period from January to December 2009, Landmine Action cleared 2.9 million square metres of land of cluster munitions and unexploded ordnance.

17. In his observations and recommendations, the Secretary-General welcomed the parties' continuing commitment to the process of negotiations and their willingness to engage in the preparatory informal format. In that connection, he recommended

that the Security Council reiterate its call upon the parties to negotiate in good faith and without any preconditions, under the auspices of his Personal Envoy. He went on to express his concern about the continuing violations of military agreement No. 1 by the parties and encouraged them to establish direct cooperation and communication through a joint military verification mechanism to discuss allegations of violations and other issues of common interest.

18. On the human dimension of the conflict, the Secretary-General urged the parties to confirm their agreement to the expansion of the family visit programme and to accelerate their consultations with UNHCR on its implementation. He recommended that the Security Council formally recognize and increase the role and responsibilities of MINURSO in using its resources to support the confidence-building activities, and urged that appropriate attention be paid to the issues of conducting a census of refugees and implementing a programme of individual interviews.

19. On human rights, he repeated once more his call to each party to remain engaged in continuous and constructive dialogue with the Office of the United Nations High Commissioner for Human Rights with a view to ensuring respect for the human rights of the people of Western Sahara in the Territory and in the refugee camps.

20. On mine action, he noted the decrease in the number of accidents due to landmines and explosive remnants of war in the region, stressing, however, that the higher number of victims highlighted the urgent need to increase coordination and operations. He also noted the increased cooperation in information-sharing with the Royal Moroccan Army and Landmine Action.

21. In view of existing circumstances on the ground and in the light of his Personal Envoy's continuing efforts, the Secretary-General believed that the presence of MINURSO remained indispensable for the maintenance of the ceasefire in Western Sahara, and therefore recommended that the Security Council extend the mandate of MINURSO for a further period of one year, until 30 April 2011.

II. Consideration by the Security Council

22. After consideration of the report of the Secretary-General on the situation concerning Western Sahara (S/2010/175), on 30 April 2010, the Security Council unanimously adopted resolution 1920 (2010), by which it called upon the parties, inter alia, to continue to show political will and work in an atmosphere propitious for dialogue in order to enter into a more intensive and substantive phase of negotiations and to continue negotiations under the auspices of the Secretary-General without preconditions and in good faith, with a view to achieving a just, lasting and mutually acceptable political solution, which would provide for the self-determination of the people of Western Sahara in the context of arrangements consistent with the principles and purposes of the Charter of the United Nations, and noted the role and responsibilities of the parties in that respect. The Council decided to extend the mandate of MINURSO until 30 April 2011.

III. Consideration by the General Assembly

23. During the general debate at the sixty-fifth session of the General Assembly, a number of representatives referred to the question of Western Sahara in their statements. During the debate on 6 and 7 October 2010, the Special Political and Decolonization Committee (Fourth Committee) heard statements by 62 petitioners on the question of Western Sahara (see A/C.4/65/SR.4 and 5). On 8 and 11 October 2010, 22 Member States addressed, among other things, the issue of Western Sahara. Some of them strongly supported the right of the Saharawi people to self-determination and stressed the importance of expanding the mandate of MINURSO to include a human rights component. Others believed that the autonomy plan by Morocco could provide the best prospect for achieving a mutually acceptable solution to this question (A/C.4/65/SR.6 and 7).

24. At its 7th meeting, on 11 October 2010, the Committee adopted without a vote a draft resolution entitled "Question of Western Sahara" (A/C.4/65/L.5), submitted by the Chair. After the adoption of the draft resolution, the representative of Belgium made a statement in explanation of vote on behalf of the States Members of the United Nations that are members of the European Union and Albania, Bosnia and Herzegovina, Croatia, Liechtenstein, Montenegro, Norway, the Republic of Moldova and Ukraine.

25. On 10 December 2010, the General Assembly adopted the draft resolution, without a vote, as resolution 65/112. In that resolution, the Assembly, among other things, welcomed the ongoing negotiations between the parties; requested the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to continue to consider the situation in Western Sahara and to report thereon to the Assembly at its sixty-sixth session; and invited the Secretary-General to submit to the Assembly at its sixty-sixth session a report on the implementation of the resolution.